

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LAWRENCE BETHEA,	:	Civil No. 1:15-cr-222
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	Judge Sylvia H. Rambo

**M E M O R A N D U M**

Before the court is a motion for copies of sentencing transcripts free of costs filed by Lawrence Bethea. (Doc. 36.) The motion will be denied.

**I. Background**

Bethea was sentenced by this court on March 30, 2016. While he did not file a direct appeal, he did request documents on June 1, 2016 for preparation of a § 2255 habeas petition. That was request denied because no petition had been filed. (Doc. 35.) Now two years later, Bethea requests free copies of his sentencing transcript.

**II. Discussion**

Bethea cites two cases in support of his motion. However, neither of these cases support his request. Bethea was convicted on June 30, 2016, and therefore a petition filed pursuant to § 2255 would, at this point, be untimely as such a petition must be filed within one year of the judgment of conviction, *i.e.*, July 1, 2017.

In *United States v. Hedgepeth*, Crim. No. 1:03-cr-294, 2006 U.S. Dist. Lexis 93660 (M.D. Pa. Dec. 28, 2006), the court did not grant free transcripts, and a § 2255 petition had been filed.

In *United States v. Shabazz*, Crim. No. 3:12-cr-64, 2013 U.S. Dist. Lexis 69419 (M.D. Pa. May 16, 2013), the court likewise did not grant free transcripts, and noted that a court entertaining such a request must determine that such an appeal is not frivolous. *See Walker v. People Express Airlines*, 886 F.2d 598, 601 (3d Cir. 1989).

A request such as this cannot be granted without an affidavit of financial status showing the funds available in Bethea's prison bank account, wages received in prison and deposits into the account. It also cannot be granted without a petition filed pursuant to § 2255. Such a petition, however, would be untimely.

For the foregoing reasons, the request for free transcripts will be denied.

---

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: July 2, 2018